



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/620,254

07/15/2003

Joseph H. Matthews III

MS1-0093USC2

9753

22801 7590 03/12/2009

LEE & HAYES, PLLC  
601 W. RIVERSIDE AVENUE  
SUITE 1400  
SPOKANE, WA 99201

EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

03/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,254	<b>Applicant(s)</b> MATTHEWS ET AL.	
	<b>Examiner</b> Hoang-Vu A. Nguyen-Ba	<b>Art Unit</b> 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 47-49 and 51-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-49 and 51-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/19/09, 12/5/08</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed December 5, 2008.
2. Claims 47-49 and 51-54 are pending. Claims 47, 49 and 54 are independent claims.

#### ***Response to Amendments***

3. Per Applicants' request, Claims 47, 49, 51 and 54 have been amended.

#### ***Response to Arguments***

4. Applicants' arguments in the Remarks section of the Amendment filed February 14, 2008 have been fully considered and addressed herein in the Office action.

#### ***Information Disclosure Statement***

5. The Office acknowledges receipt of the Information Disclosure Statements filed December 5, 2008 and January 19, 2009. They have been placed in the application file and the information referred to therein has been considered.

#### ***Claim Rejections – 35 USC § 103***

6. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 47-49 and 51-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,589,892 to Knee in view of U.S. Patent No. 5,818,441 to Throckmorton.

Art Unit: 2421

**Claim 47**

Knee discloses at least *a user interface unit* (see at least FIG. 1) *comprising:*

*a processor* (see at least FIG. 1, component 16);

*an electronic programming guide (EPG) executing on the processor* (see at least 11:32-46) *to:*

*organize programming information* (see at least 19:14-19), *including correlating universal resource locators (URLs) with particular programs in the EPG, the URLs identifying target resources that contain supplemental information related to the particular programs* (see at least FIG. 20, item 203; 20:3-12; 46:1-8; 47:19-21; it is noted that the URL is interpreted to be a path information to locate another document and in this instance the icon *i* contains a path location information to other program listings).

Knee does not specifically disclose that the URLs are of *Internet* URLs and that the EPG *to:*

*enable a user of the user interface to enter additional URLs identifying target resources that contain supplemental information related to the particular program, wherein the user associates the user entered additional URLs identifying target resources with a particular program or channel in the EPG.*

However, in an analogous art, Throckmorton teaches a system that allows additional interactivity by adding a two way communication channel to the user interface so that online services or the Internet may be accessed using associated data that contains pointers to locations (Internet URLs) in the online services or the Internet which are relevant to the TV program (see at least Abstract; FIG. 5; 3:55-67; 6:54 - 7:12; 7:36-52; 8:16 - 9:25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Throckmorton with Knee because this combination would allow a user using the Knee system to enter additional URLs in the interface provided by Throckmorton to access to online services or the Internet for supplemental information related to TV programs, thereby enhancing the effectiveness of EPG taught in Knee.

Art Unit: 2421

As correctly pointed out by Applicants, Throckmorton provides a menu that may list several references which enables a user to click on a reference to enable the system to connect and retrieve referenced information from the source located at the listed URL (Throckmorton; see at least 9:1-15) but does not provide the user with the capability to enter a URL/hyperlink identifying target resources with a particular program in the EPG.

While agreeing with Applicants' assertion, the examiner respectfully notes that Throckmorton also provides a Web browser interface (Throckmorton; see at least 7:36-52) such as Netscape, AOL, etc. which allows a user to enter the URL of interest (e.g., <http://www.cnn.com>) in the well-known "Address" box to display the Web page located at that address. Thus, the claimed feature of "enabl[ing] a user interface to enter additional URLs identifying target resources that contain supplemental information related to the particular program" is deemed available to a user of Throckmorton.

The combination Knee-Throckmorton further discloses:

*the processor being programmed to search the EPG and identify the particular programs having correlated URLs as interactive programs* (Free; see at least 34:12-34).

#### **Claim 48**

The combination Knee-Throckmorton further discloses *a visual display* (see at least FIG. 1, item 27 and 9:49-58), *the processor being programmed to compile a list of the interactive programs and present the list of interactive programs on the visual display* (see at least FIG. 51, item 530 with the display of "i" icon associated with each of the listed programs; 20:3-13).

#### **Claim 49**

Knee discloses at least *a tangible computer-readable medium encoded with computer-executable instructions* (see at least FIG. 1, item 21 in view of 10:56-70) *configured for:*

*designating data fields in an electronic programming guide (EPG) to hold programming information* (see at least FIG. 18, item 185; 11:31-39; 20:3-11);

*compiling a list of interactive programs, wherein each interactive program in the list is a program having an associated target specification; and*

Art Unit: 2421

*presenting the list of interactive programs through [an] the EPG user interface (UI) supported by the EPG,*

Knee does not specifically disclose the remaining features of the claim.

However, in an analogous art, Throckmorton discloses:

*dedicating one of the data fields as a supplemental content field (see at least FIG. 5; 3:3-5; 3:55-67; 4:28-33; 7:15-20; 7:36-45; 8:1-9:25);*

*entering a target specification into the supplemental content field to correlate supplemental content with a program, the target specification identifying a location for the supplemental content, wherein the entering a target specification into the supplemental content field comprises receiving the target specification from a viewer accessing an EPG user interface (UI) supported by the EPG; associating, by the viewer, the target specification identifying a location for the supplemental content with a particular program or channel in the EPG (see at least FIG. 5; 3:3-5; 3:55-67; 4:28-33; 7:15-20; 7:36-45; 8:1-9:25).*

As correctly pointed out by Applicants, Throckmorton provides a menu that may list several references which enables a user to click on a reference to enable the system to connect and retrieve referenced information from the source located at the listed URL (Throckmorton; see at least 9:1-15) but does not provide the user with the capability to enter a URL/hyperlink identifying target resources with a particular program in the EPG.

While agreeing with Applicants' assertion, the examiner respectfully notes that Throckmorton also provides a Web browser interface (Throckmorton; see at least 7:36-52) such as Netscape, AOL, etc. which allows a user to enter a URL that s/he associates with a particular program of interest (e.g., <http://www.cnn.com>) in the well-known "Address" box to display the Web page located at that address. Thus, the claimed feature of "associat[ing], by the viewer, the target specification identifying a location for the supplemental content with a particular program or channel in the EPG" is deemed available to a user of Throckmorton.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Throckmorton in Knee because the use of Throckmorton would allow a user using the Knee system to enter additional URLs in the interface provided by

Art Unit: 2421

Throckmorton to access to online services or the Internet for supplemental information related to TV programs, thereby enhancing the effectiveness of EPG taught in Knee.

**Claim 50 (previously canceled)**

**Claim 51**

The rejection of base claim 49 is incorporated. The combination Knee-Throckmorton further discloses:

*receiving multiple target specifications for a program (Knee; see at least FIG. 43A, item 401; “ i ” icon; the “ \* ” item referencing a screen – FIG. 44 – which displays items to purchase related to a particular program); and*

*prioritizing the multiple target specifications according to viewer preferences (Knee; see at least 43:7-11; Knee teaches screens that may be configured according to user preferences).*

**Claim 52**

The combination Knee-Throckmorton further discloses *wherein the compiling comprises searching the EPG for interactive programs* (Knee; see at least FIGs. 51; 34:20-27).

**Claim 53**

The combination Knee-Throckmorton further discloses *wherein the target specification is selected from the group comprising:*

*a memory pointer* (Throckmorton; see at least 65-67);

*a hyperlink* (Throckmorton; see at least 9:1-25; 3:59-67; 6:60-63; 7:41-46; 8:65-67);and

*a universal resource locator (URL)* (Throckmorton; see at least 9:1-25; 3:59-67; 6:60-63; 7:41-46; 8:65-67).

**Claim 54**

Art Unit: 2421

Knee discloses at least *in a system having an electronic programming guide (EPG) (see at least FIG. 1), a method comprising:*

*correlating additional information with corresponding programming information in the EPG (see at least FIG. 20, item 203; 20:3-12; 46:1-8; 47:19-21),; and*

*searching the EPG to identify interactive programs within the programming information (see at least 34:12-34).*

Knee does not specifically disclose that Knee's additional information is *user entered hyperlinks;*

*wherein the user enters the hyperlinks through an EPG user interface (UI) supported by the EPG and associates the hyperlink with a particular program or channel in the EPG and that programming information have correlated hyperlinks.*

However, in an analogous art, Throckmorton teaches a system that allows additional interactivity by adding a two way communication channel to the user interface so that online services or the Internet may be accessed using associated data that contains pointers to locations (Internet URLs) in the online services or the Internet which are relevant to the TV program (see at least Abstract; FIG. 5; 3:55-67; 6:54 - 7:12; 7:36-52; 8:16 - 9:25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Throckmorton with Knee because this combination would allow a user using the Knee system to enter additional URLs in the interface provided by Throckmorton to access to online services or the Internet for supplemental information related to TV programs, thereby enhancing the effectiveness of EPG taught in Knee.

While agreeing with Applicants' assertion, the examiner respectfully notes that Throckmorton also provides a Web browser interface (Throckmorton; see at least 7:36-52) such as Netscape, AOL, etc. which allows a user to enter a URL that s/he associates with a particular program of interest (e.g., <http://www.cnn.com>) in the well-known "Address" box to display the Web page located at that address. Thus, the claimed feature of "associat[ing], by the viewer, the target specification identifying a location for the supplemental content with a particular program or channel in the EPG" is deemed available to a user of Throckmorton.



Art Unit: 2421

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Throckmorton in Knee because the use of Throckmorton would allow a user using the Knee system to enter additional URLs in the interface provided by Throckmorton to access to online services or the Internet for supplemental information related to TV programs, thereby enhancing the effectiveness of EPG taught in Knee.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2421

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

March 9, 2009